

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LAURA C. CROWDER HITZ,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 4:22-cv-1374
)	
SYMETRA,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant Symetra Life Insurance Company (incorrectly named in the Complaint as “Symetra”), by and through its attorneys, timely file this Notice of Removal pursuant to 28 U.S.C. § 1331, 29 U.S.C. §1132(e), 28 U.S.C. § 1332 and 28 U.S.C. §1441(a), (b) and (c) removing the above-captioned action to the United States District Court for the Eastern District of Missouri from the 22nd Judicial Circuit, City of Saint Louis Circuit Court, Missouri, and avers as follows:

1. Plaintiff filed this action on November 28, 2022 in state court in the 22nd Judicial Circuit, City of Saint Louis Circuit Court, Missouri, Law Division and styled as *Laura C. Crowder Hitz v. Symetra*, Case No. 2222-CC09975. A true and correct copy of plaintiff’s Complaint is attached hereto as Exhibit “A”.

2. In the Complaint, Plaintiff claims that she was not paid the correct amount of short term disability benefits and that her claim for long term disability benefits was denied. See Complaint.

3. As stated in the Complaint, the disability insurance was provided to Plaintiff through her employer, C.R. England, Inc.

4. Because Plaintiff is seeking benefits under an employer-sponsored plan, this action is governed by the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §§ 1001, *et seq.*

5. A cause of action filed in state court seeking recovery of benefits under an employee welfare benefit plan governed by ERISA is removable to federal court pursuant to 28 U.S.C. § 1441 (c) as an action arising under a federal law. *See Metropolitan Life Insurance Company v. Taylor*, 481 U.S. 58 (1987); *Pilot Life Insurance Company v. Dedeaux*, 481 U.S. 41 (1987).

6. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 1132(e) as a civil action founded upon a claim of right arising under the laws of the United States, therefore, this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a), (b) and (c).

7. This Notice of Removal is being filed within thirty (30) days of Symetra's becoming aware of the lawsuit and receiving the initial pleading claiming relief as required by 28 U.S.C. § 1446(b).

8. No pleadings, process or orders other than the Complaint, attached as Exhibit A, has been served on defendant and therefore no other pleadings, process or orders are attached to this Notice as required by 28 U.S.C. § 1446(a). All documents from the state court case, including the docket sheet, are attached as Exhibit B.

9. All fees required by law in connection with this notice have been filed by defendant.

WHEREFORE, Defendant hereby removes the above-captioned action to the United States District Court for the Eastern District of Missouri from the 22nd Judicial Circuit, City of Saint Louis Circuit Court, Missouri.

/s/Jennifer Boston

Daniel E. Tranen, #48585

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*Attorneys for Defendant Symetra Life
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the Clerk of the Court on this 27th day of December, 2022, which shall send a notice of electronic filing to all counsel of record. Further, I certify that I will mail a complete copy of these pleadings to Plaintiff at her listed address, as Plaintiff is representing herself.

/s/Jennifer Boston